

Serial No. 10/687,191

PATENT
Docket No. 58085-010201**REMARKS**

Claims 1-18 are pending in the application.

Claims 1, 4, 10, and 15 have been amended.

Claim 17 has been cancelled without prejudice or disclaimer.

Claim 18 has been newly added.

Reconsideration of the rejections and objections set forth in the Office Action dated April 7, 2005 is respectfully requested.

Claim Objections

The Examiner has objected to Claims 1, 4, 10, 15 and 17 for various informalities. Accordingly, Claims 1, 4, 10, and 15 have been amended to address these informalities. Claim 17 has been canceled without prejudice or disclaimer.

Claim Rejection - 35 U.S.C. § 103

The Examiner has rejected Claims 1-17 under 35 U.S.C. 103(a) as being unpatentable over Grimm et al., U.S. Patent No. 2002/0116235, in view of Croughwell et al., U.S. Patent No. 5,966,654. For at least the following reasons, Applicants respectfully traverse this rejection.

Grimm et al. in view of Croughwell et al. does not teach utilizing a keying operation on a cellular phone to request a return time. Grimm et al. briefly mentions cell phones but does not provide an adequate enabling disclosure as to how exactly the cell phone is used. The claims in Grimm et al. cited by the examiner (i.e. 7, 11, 19, 76, 79, 86, 95, and 106) are directed to a phone, a cable line or a satellite transmission. This claims do not mention utilizing a cellular phone to request a return time. Furthermore, as acknowledged by the Examiner, Grimm et al. does not specifically teach a keying operation for the actual cellular telephone.

The Examiner asserts that Croughwell et al. teaches a cellular phone where in a keying operation is performed using the cellular telephone. The Examiner cites Figure 2A elements 70

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and 70, and Column 2, Lines 18-32 to demonstrate such teachings in Croughwell et al. Applicants have been unable to find the teaching of using keying operation in Croughwell et al. Croughwell et al. teaches using a cellular phone by interacting with "a human operator or an automated attendant communication system." See Croughwell et al. at Column 2, Lines 25-26. However, this operation in Croughwell et al. is clearly a voice communication and does not infer the use of a keying operation. In fact, the same language is later expanded in the Croughwell reference to reiterate that the operation is a voice operation and not a keying operation: "Alternatively, an automated attendant system 610, connected by a voice circuit 612 to the mobile switching center 178 is used to process patron requests to scheduled for access to an event." See Croughwell et al. at Column 22, Lines 5-8. Therefore, Grimm et al. in view of Croughwell et al. **does not teach a keying operation on a cellular phone to request a return time.**

In addition, Grimm et al. does not teach using a cellular phone to gain access to the attraction. As acknowledged by the Examiner, Grimm et al. does not teach a keying operation on a cellular phone. Furthermore, Croughwell et al. does not teach utilizing a keying operation to access the attraction either. Thus, Grimm et al. in view of Croughwell et al. **does not teach using a keying operation on a cellular phone to gain access to the attraction.**

Therefore, Applicants submit that Claims 1 and 4 are not rendered obvious by Grimm et al. in view of Croughwell et al. Claims 2, 3, and 5-16 are dependent from Claims 1 and 4. Thus, because independent Claims 1 and 4 are not obvious by Grimm et al. in view of Croughwell et al., dependant Claims 2, 3, and 5-16 are not obvious over Grimm et al. in view of Croughwell et al. either. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections as to Claims 1-16.

Double Patenting Rejection

On page 4 of the Office Action, the Examiner has provisionally rejected Claims 1-6 and 17 as being unpatentable over Claims 1-3 of copending application No. 10/687,190. The examiner asserts that the claim language does not change or affect the overall scope of the

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claimed invention, and further because those are slight differences that would have been obvious to one of ordinary skill in the art. Applicants respectfully disagree.

The claim language of Claims 1-3 of copending application No. 10/687,190 is directed to communicating with multiple persons, not one patron as it is claimed in the present application. Further, the copending application is directed to departure from an area, and not returning (i.e. arriving) to the area. Finally, the area in this application is an attraction in an entertainment environment (e.g. amusement park) to where patrons are going, not a disaster area from where patrons are evacuating as is claimed in the copending application.

Applicants submit that these are not *slight* differences. On the contrary, these differences define a very different overall scope of the claimed invention as compared to the copending application. Applicants submit that Claims 1-6 are not rendered obvious by Claims 1-3 of copending application No. 10/687,190. Accordingly, Applicants respectfully request that the obviousness-type double patenting rejections to Claims 1-6 be withdrawn.

New Claim

While Claim 17 has been canceled without prejudice, Applicants have introduced new Claim 18 which attempts to more accurately claim similar subject matter. Additionally, all of the elements of Claim 18 are well supported in the original as-filed application and does not present new matter.

For the same reasons explained above regarding Claims 1 and 4, Applicants submit that Grimm et al. in view of Croughwell et al. does not teach all the elements and limitations of new Claim 18. Furthermore, Applicants submit that Claim 18 is not obvious by Claims 1-3 of copending application No. 10/687,190.

Conclusion

Applicants have complied with all requirements made in the above referenced communication and submit that the claims are in condition for allowance. Accordingly, applicants respectfully request that a timely Notice of Allowance be issued in this case. Should

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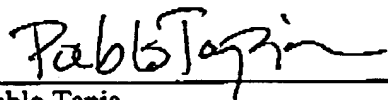
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matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638. Please ensure that Attorney Docket Number 58085-010201 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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